

Notice of Allowability

Application No.

10/613,535

Examiner

Tony H. Winner

Applicant(s)

MALLARD, THOMAS IRVIN

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 10/21/05.
2. ☒ The allowed claim(s) is/are 4-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Acknowledgment

1. Receipt of the amendment filed 2/22/05 and 10/21/05 has been acknowledged and entered. The amendment dated 2/22/05 indicated that claims 1-3 have been canceled and new claims 4-8 have been added. Subsequently, the office sent out a non-responsive because the applicant fails to submit new claims 4-8 along with the amendment. In response, applicant submitted another amendment dated 10/21/05. This amendment does not have the new claims 4-8 as indicated by the previous amendment but a resubmit of the canceled claims 1-3. Clearly, the applicant is inexperienced with the prosecution process and require some guidance. The examiner of record contacted the applicant on 1/5/06 to supposedly pointing out the error. Applicant has agreed to an examiner's amendment to introduce a proposed draft claims that was part of an office action dated 6/4/04.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Mallard on 1/5/06.

The application has been amended as follows:

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(New) 4. A hub for a bicycle having a hub body, rim support, and an automatic fluid transmission;

the transmission comprising:

a. a cylindrical outer shell having a sprocket as a rotational power input means for said bicycle and having flanges for sealing, and having bearings slip fit within seats to support said transmission at each end of said cylindrical outer shell;

b. a stator having means for varying drag as input power varies and further having means for regulating or dampening said drag variation;

c. an inner shell having said stator a fixed centrally between said flanges of said outer shell and said stator,

d. a sealing means for sealing the area between the stator, outer and inner shell, that once assemble will create a fluid chamber;

e. a fluid filling means for filling the fluid in the fluid chamber, wherein said fluid chamber is filled with appropriate fluid having power transfer ability,

f. said transmission operatively attached to a freewheel body via said hub body.

(New) 5. A bicycle hub of claim 4, wherein said freewheel body is integrally form to said inner shell and attached to said hub body.

(New) 6. A bicycle hub of claim 4, wherein said freewheel body is internal to said hub body and acting as outer shell so as to apply power using fluid to transfer power to said hub body.

(New) 7. A bicycle hub of claim 4, wherein the inner shell receives power input from said outer shell.

(New) 8. A bicycle hub of claim 4, wherein the drag varying means for varying the drag.

Reason for Allowance

3. Claims 4-8 are allowed because the prior art neither shows nor teaches a bicycle hub with all the interconnecting/intricate working structure as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30am to 6:00pm. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.



TONY WINNER
PATENT EXAMINER

January 6, 2006